

## **REMARKS**

### **I. Introduction**

Claims 1-10 are pending in the present application. Claims 1, 5 and 10 have been amended. No new matter has been added. Reconsideration is respectfully requested.

As an initial matter, Applicants note that the Office Action does acknowledge the claim of foreign priority, however, it indicates that a copy of a certified copy of the priority document has not been received from Applicants. A certified copy of German Application No. 100 43 254.9 is filed herewith.

Applicants thank the Examiner for considering the previously filed Information Disclosure Statement, PTO Form 1449 paper and cited references.

### **II. Objection to the Drawings**

The drawings were objected to as lacking explanatory labels. In this regard, Figure 1 has been amended to include labels. Figure 2 has been amended to include a translation of the German word, "Betriebsgr." It is noted that the label, "OFF<sub>vorl.</sub>" represents a "value of the change over time...set as a provisional offset value." Therefore, the abbreviation VORL is appropriate, and is clearly indicated in the Specification. It is well established that a patentee may be his own lexicographer, and may employ any terminology he prefers as long as the terms are not used in a way that does not conflict with their accepted meanings. As the letters VORL may be found in the description of the term's meaning, it is respectfully submitted that this abbreviation is appropriate. No new matter has been added. Withdrawal of this objection is therefore respectfully requested.

### **III. Objection to the Specification**

Regarding page 4, line 15, the past participle of "input" is "input." See, for example, the definition of input in the Oxford English Dictionary, 2<sup>nd</sup> Edition. Therefore, it is respectfully submitted that this objection be withdrawn.

Regarding the abbreviation, "VORL" in OFFVORL, as stated above, the abbreviation, "VORL" represents a "value of the change over time [] set as a provisional offset value." Therefore, the abbreviation VORL is appropriate, and is clearly indicated in the Specification. It is well established that a patentee may be his own lexicographer, and may employ any terminology he prefers as long as the terms are not used in a way that does not conflict with their accepted meanings. As the letters VORL may be found in the

description of the term's meaning, it is respectfully submitted that this abbreviation is appropriate. Therefore, it is respectfully requested that this objection be withdrawn.

#### **IV. Objection to Claims 5 and 10**

Claims 5 and 10 were objected to as allegedly including informalities. To facilitate matters, claims 5 and 10 have been amended in accordance with the suggestions in the Office Action, therefore, withdrawal of this objection is respectfully requested.

#### **V. Rejection of Claims 1-10 Under 35 U.S.C. § 102(b)**

Claims 1-10 were rejected under 35 U.S.C. § 102(b) as anticipated by Kadlec et al. (U.S. Patent No. 5,914,830). Applicants respectfully submit that this rejection should be withdrawn for the following reasons.

Kadlec et al. relates to "a compact, adaptive, responsive servo control mechanism for accurately maintaining the position of read/write heads over a given track on a recording medium." Col. 8, lines 37-45. According to Kadlec et al., "[s]ome of the blocks shown in Figure 1A correspond to physical elements on a printed circuit board located in the disk drive." Col. 8, lines 58-60. The cited portions of Kadlec et al. do not disclose the features of the claims. For example, col. 10, lines 24-42, merely describe how, in "DAC [digital to analog converter] 114, the digital control effort output  $U(k)$  of the DSP is converted to an analog signal..." The signal undergoes further processing to remove, "the most significant mechanical resonance mode(s)." Column 10, line 43 to col. 11, line 6, merely state that a summing device "outputs the difference between [the location of the center of a desired track on a disk and the position of the heads of the reader], an analog indication of error head positioning." According to Kadlec et al., the system accounts for errors due to, "temperature variation, change in physical orientation, shock, vibration, and humidity." Col. 4, lines 10-15.

Kadlec et al. do not disclose, or even suggest, all of the features of claim 1, such as, a hysteresis-exhibiting final controlling element, or correcting the variable drive quantity *as a function of a change thereof over time*, as recited in claim 1. Independent claims 9 and 10 recite language similar to claim 1. Kadlec et al., in contrast, apparently "corrects" as a function of the difference between the location of the center of a desired track and the position of the heads of the reader. To reject a claim under 35 U.S.C. § 102, the Office must demonstrate that each and every claim limitation is identically disclosed in a

single prior art reference. (See Verdegaal Bros. V. Union Oil Co. of California, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the...claim." M.P.E.P. § 2131).

In summary, Kadlec et al. do not disclose, or even suggest, all of the features of claim 1, 9, and 10. Therefore it is respectfully submitted that Kadlec et al. do not anticipate claims 1, 9, and 10. As for claims 2-8, which depends from claim 1 and therefore includes all of the features of claim 1, it is respectfully submitted that Kadlec et al. do not anticipate claims 2-8 for at least the same reasons given above in support of the patentability of claim 1.

#### **VI. Conclusion**

In view of all of the above, it is believed that the objections and the rejections have been obviated, and that claims 1 to 10 are allowable. It is therefore respectfully requested that the objections and rejections be withdrawn, and that the present application issue as early as possible.

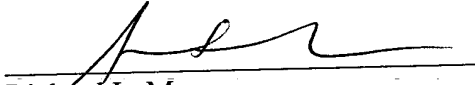
Respectfully submitted,

KENYON & KENYON

 (R 2036081)

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By:

  
Richard L. Mayer  
(Reg. No. 22,490)

One Broadway  
New York, NY 10004-1050  
Phone: 212-425-7200  
Fax: 212-425-5288

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